

JAMES SKYLAR COOPER

September 16, 2020

1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

-----X
In the Matter of :
 :
ERIE INSURANCE PROPERTY :
& CASUALTY COMPANY, :
 :
 :
Petitioner, : CIVIL ACTION
vs : NO. 2:20-CV-00321
 :
JAMES SKYLAR COOPER, :
 :
 :
Respondent. :
-----X

Conference Room, Law Offices of
Farmer, Cline & Campbell, PLLC,
746 Myrtle Road,
Charleston, West Virginia, 25314,
Wednesday, September 16, 2020

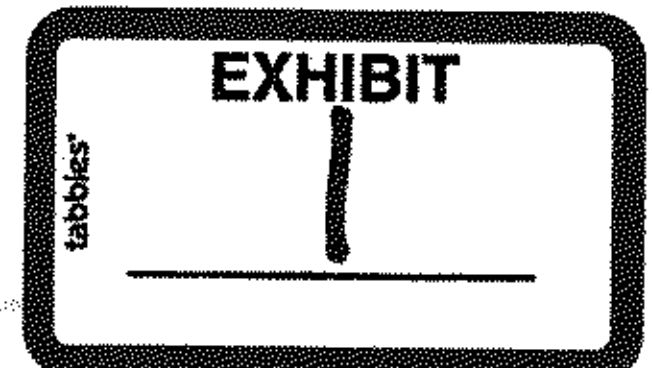
The Deposition of JAMES SKYLAR COOPER,
taken by the Petitioner, before Elizabeth Wiley, a
Stenotype Reporter and Notary Public within and for the
State of West Virginia at Large, pursuant to notice, to
be used for all purposes, pursuant to the West Virginia
Rules of Civil Procedure, commencing at 09:59 a.m.,
EDST.

COPY

VOLUME: I

PAGES: 1 - 39

Daisey Reporting Services - 304-425-5922



JAMES SKYLAR COOPER
September 16, 2020

2	<p style="text-align: center;">A P P E A R A N C E S</p> <p>MATTHEW J. PERRY, ESQ., Lamp, Bartram, Levy, Trautwein & Perry, PLLC, 720 Fourth Avenue, PO Box 2488, Huntington, West Virginia, 25725-2488, appearing on behalf of the Petitioner.</p> <p>R. CHAD DUFFIELD, ESQ., Farmer, Cline & Campbell, PLLC, 746 Myrtle Road, Charleston, West Virginia, 25314, appearing on behalf of the Respondent.</p>	4
3	<p style="text-align: center;">P R O C E E D I N G S</p> <p>MR. PERRY: Would you please swear the witness? Whereupon, JAMES SKYLAR COOPER, was called as a witness and, after having been first duly sworn by the Notary Public, testified as follows: EXAMINATION BY MR. PERRY:</p> <p>Q. Can you state your full name for me, please? A. James Skylar Cooper. Q. And do you go by Skylar? A. Yeah. Q. Is it okay if I call you Skylar today? A. Yeah. Q. Okay. I assume you've never been through a deposition before? A. No. Q. Your attorney has probably given you some indication of what today's about and how it's going to proceed, but just a few things. I don't expect that we'll be here long, but if you need a break for any reason, just let me know. A. Okay.</p>	5

Q. So as I ask you questions today, the thing
that's kind of most important is that the record is
clear. So whenever you're done, she's going to prepare
a transcript that we can go back and read, so your
responses and how we communicate today will be important
to make sure that the transcript is as clear as can be.

A. Okay.

Q. So, for example, if I ask a question that calls
for a "Yes" or "No" answer, try to say "Yes" or "No"
rather than "Uh-huh" or "Huh-uh." If I ask you a
question, and the answer is "Yes" or "No," you're free
to elaborate if you want, or not.

A. Okay.

Q. Just try to give me a "Yes" or "No" rather than
"Uh-huh's" or shakes of the head, because those won't
transcribe onto the record.

A. Okay.

Q. You may anticipate a question that I'm going to
ask and want to go ahead and give me your answer, but
the best that you can, try to let me finish before you
start to speak, and then I'll do the same; that way,
we're not talking over top of each other.

And then, probably especially important today,
there may be questions you don't hear, or you don't

understand, especially with the masks.

A. Right.

Q. So if you don't understand the question, just
let me know, and I'll repeat it, rephrase it, whatever.

A. Okay.

Q. All right. What is your current residential
address?

A. [unclear]
[unclear]

Q. And do you live there with anybody?

A. My girlfriend stays there with me.

Q. Okay. What's her name?

A. Savannah Brown.

Q. Is this the location that you were living at at
the time of the accident?

A. I was back and forth from my grandma's house
and my mom's house. That's actually my mom's house
there. It's just me and my girlfriend living at it now,
though.

Q. Okay. On the day of the accident, do you
remember where you were staying?

A. Yeah. I was at my maw-maw's that morning.

Q. Okay. And do you know the address there?

A. Yep.

JAMES SKYLAR COOPER
September 16, 2020

6	<p>1</p> <p>2 Q. Okay. So, at the time of the accident, I</p> <p>3 understand that you were employed by Pison Management?</p> <p>4 A. Yeah.</p> <p>5 Q. Tell me, what does Pison Management do?</p> <p>6 A. I know they do construction. I'm pretty sure</p> <p>7 they build apartment complexes. But what I was doing, I</p> <p>8 was doing lawn care and, like, maintenance work for the</p> <p>9 apartments.</p> <p>10 Q. Okay. Are you still employed?</p> <p>11 A. I'm getting checks through Workers' Comp</p> <p>12 currently, so...</p> <p>13 Q. Okay. So you're off work right now due to your</p> <p>14 injuries?</p> <p>15 A. Right.</p> <p>16 Q. As far as your employment with Pison</p> <p>17 Management, that's still there for you to return once</p> <p>18 you're released to return?</p> <p>19 A. I'm not sure. I'm not a hundred percent sure,</p> <p>20 because I haven't heard from anybody since the accident</p> <p>21 happened, so, yeah.</p> <p>22 MR. DUFFIELD: Skylar, you're doing fine.</p> <p>23 Just make sure you let him finish his question before</p> <p>24 you give your answer.</p>	8
7	<p>1 THE WITNESS: Oh, I'm sorry. Sorry about</p> <p>2 that.</p> <p>3 MR. PERRY: Oh, you're good. I'll do the</p> <p>4 same thing. It happens.</p> <p>5 BY MR. PERRY:</p> <p>6 Q. How did you get to and from work in and around</p> <p>7 the time of the accident? Did you own a car?</p> <p>8 A. Yeah. But, at the time of the accident, I was</p> <p>9 riding in Rick Huffman's car, which was my co-worker.</p> <p>10 Q. So you would drive your car to work, and then,</p> <p>11 at least when the accident occurred, you were in Mr.</p> <p>12 Huffman's vehicle?</p> <p>13 A. We would kind of switch off. Sometimes he</p> <p>14 would drive; sometimes I would drive.</p> <p>15 Q. Meaning he would pick you up at your house?</p> <p>16 A. Yeah. We had a spot that we would meet, and</p> <p>17 I'd park my car there, and he would park his, and we'd</p> <p>18 ride together.</p> <p>19 Q. Okay. So there would be occasions you would</p> <p>20 meet Rick Huffman, he would park his car, and the two of</p> <p>21 you would ride in your car to work?</p> <p>22 A. Right.</p> <p>23 Q. And vice versa?</p> <p>24 A. Yes.</p>	9
	<p>1 Q. Okay. And did you have a designated location</p> <p>2 that you would go to every morning for work?</p> <p>3 A. Yes.</p> <p>4 Q. What location is that?</p> <p>5 A. It was the bottom of my grandma's hill,</p> <p>6 actually. I think it's called the bottom of my</p> <p>7 Q. And is this where you would meet Mr. Huffman</p> <p>8 and park, or is this where you went to actually report</p> <p>9 to work?</p> <p>10 A. That's where I would meet him and park, and</p> <p>11 then we'd ride together.</p> <p>12 Q. Okay. And do you know the location of where</p> <p>13 you would go to travel to work?</p> <p>14 A. What do you mean? I'm sorry.</p> <p>15 Q. So after the two of you, you and Mr. Huffman,</p> <p>16 met, and one of you drove, where did you drive to?</p> <p>17 A. We had different locations, different apartment</p> <p>18 complexes we'd go to. There was one in Hurricane.</p> <p>19 There was one in Cross Lanes. There was one off of</p> <p>20 MacCorkle Avenue. I think there was another one, but</p> <p>21 I'm not sure. So it just depended on the day which one</p> <p>22 we'd go to.</p> <p>23 Q. Okay. So when you all would travel to work,</p> <p>24 you would just travel directly to whatever site you were</p>	

JAMES SKYLAR COOPER
September 16, 2020

10	<p>1 Pison Management said, you know, you should use Pison</p> <p>2 Management vehicles to travel to and from the sites that</p> <p>3 you were going to do lawn care?</p> <p>4 A. No. They never told us to use their own</p> <p>5 vehicles to travel.</p> <p>6 Q. Is there a particular time that you always</p> <p>7 report to work every day?</p> <p>8 A. Yeah. It was 8:00 a.m., besides the morning of</p> <p>9 the accident, actually.</p> <p>10 Q. How did that differ on the day of the accident?</p> <p>11 A. I think we were supposed to be in Cross Lanes</p> <p>12 at 7:00 that morning, because we was going to a</p> <p>13 different job site that me and Rick had never been to,</p> <p>14 and it was like an hour-and-a-half away from Cross</p> <p>15 Lanes, so we met that morning at around 7:00 a.m.</p> <p>16 Q. Aside from the job site you were going to, on</p> <p>17 the day of the accident, how many different job sites</p> <p>18 would you usually work at?</p> <p>19 A. Do you mean in a day?</p> <p>20 Q. No. Over the course of your work there. You</p> <p>21 indicated that there were different apartment complexes.</p> <p>22 A. I would say, and I'm not a hundred percent</p> <p>23 sure, but I think it's around five, five or six maybe.</p> <p>24 Q. Okay. And are all of these apartment</p>	12	<p>1 A. Anything that the people living in the</p> <p>2 apartments would need, like change a light, fix a sink,</p> <p>3 fix a commode, patch drywall.</p> <p>4 Q. Okay. And were your shifts pretty routine as</p> <p>5 far as the site you would go to on particular days?</p> <p>6 A. Yeah. Like, Mondays would be a certain place,</p> <p>7 and so on.</p> <p>8 Q. Okay. And you indicated, earlier, that there</p> <p>9 were occasions that you would not go to Cross Lanes but</p> <p>10 would travel directly to the site you were working at.</p> <p>11 Is that right?</p> <p>12 A. That was only on a few occasions. Usually,</p> <p>13 whenever we would go to the place in downtown</p> <p>14 Charleston, Demetrius would just meet us there, because</p> <p>15 it was more out of our way to drive all the way to Cross</p> <p>16 Lanes and then back to the location.</p> <p>17 Q. Is that the only location you would typically</p> <p>18 travel to directly before going to Cross Lanes?</p> <p>19 A. I'm not a hundred percent, but I believe so. It</p> <p>20 might have been the Chesterfield Apartments, too, the</p> <p>21 one off MacCorkle, a few times.</p> <p>22 Q. And so was the reasoning behind not going to</p> <p>23 Cross Lanes just simply that it was closer for you to</p> <p>24 travel directly to the site?</p>
11	<p>1 complexes?</p> <p>2 A. Yeah, besides one. I think it's in downtown</p> <p>3 Charleston, I believe, and it's like more of like</p> <p>4 a -- it looks like a house, but I'm not sure exactly</p> <p>5 what it is, but I know it's an apartment complex.</p> <p>6 Q. Okay. And your job, was it full-time?</p> <p>7 A. Yeah.</p> <p>8 Q. So 40 hours a week?</p> <p>9 A. Yes.</p> <p>10 Q. And during the course of the week, then, you</p> <p>11 all would perform lawn care at these five or six</p> <p>12 different sites, the apartments and then the one house</p> <p>13 in Charleston?</p> <p>14 A. Yes. Like, on different days, we'd be assigned</p> <p>15 to different locations throughout the week.</p> <p>16 Q. And would you cover more than one location a</p> <p>17 day?</p> <p>18 A. Sometimes we would, but most of the time it</p> <p>19 seemed that we would just cut grass at the one location,</p> <p>20 and then do the maintenance order for that same</p> <p>21 location.</p> <p>22 Q. Okay. And you mentioned maintenance orders.</p> <p>23 Aside from lawn care, what type of maintenance orders</p> <p>24 would you address?</p>	13	<p>1 A. Yes.</p> <p>2 Q. And then how long had you been working at Pison</p> <p>3 Management before the accident?</p> <p>4 A. I'd been on payroll for -- not long, probably a</p> <p>5 month to two months.</p> <p>6 Q. And prior to being on payroll, as you phrase</p> <p>7 it, was there any work that you were doing for Pison</p> <p>8 Management?</p> <p>9 A. Yeah. We was doing pressure washing for them</p> <p>10 I'd say for two months, around.</p> <p>11 Q. And you are saying "we." Who is "we"?</p> <p>12 A. Me and Rick Huffman.</p> <p>13 Q. Okay. And so the time that you were doing</p> <p>14 pressure washing, you were just getting lump sums? It</p> <p>15 wasn't like a payroll check?</p> <p>16 A. Right. It was just non-taxed checks.</p> <p>17 Q. And how did that change, or why did that</p> <p>18 change? I mean, did you apply for a job?</p> <p>19 A. No. I think we had just been pressure washing</p> <p>20 for around two months, and then he just showed up, the</p> <p>21 boss just showed up one day, and gave us forms to fill</p> <p>22 out and said we'd be hired on payroll.</p> <p>23 Q. Okay. And you said "the boss," is that John?</p> <p>24 A. No. I believe he's like the owner of the</p>

JAMES SKYLAR COOPER
September 16, 2020

14

1 company, but I'm not sure what his name was.

2 Q. Okay. Did you have any type of training once
 3 you became employed at Pison Management?

4 A. No, not really. We just kind of jumped right
 5 into it.

6 Q. Prior to going on payroll, had you worked with
 7 Demetrius Elder before?

8 A. No.

9 Q. Did you know Rick Huffman prior to, I guess,
 10 you starting at Pison?

11 A. Yes.

12 Q. How did you know him?

13 A. We had worked together doing different
 14 construction jobs. I met him through a friend.

15 Q. Okay. Did you consider him a friend?

16 A. Yes.

17 Q. As far as vehicles that were used, once you
 18 went on the payroll, obviously there was a, I believe, a
 19 Chevy Silverado truck that Pison Management had?

20 A. Yes.

21 Q. Okay. Were there any other vehicles that you
 22 all used during the time that you worked there?

23 A. No. I know they owned a 2019 Dodge Ram I
 24 believe, but we never -- me and Rick never used it.

16

1 with three guys up front, and it was just a single-cab,
 2 that we decided to start taking a personal vehicle.

3 Q. Okay. Did you talk to anybody at Pison
 4 Management about being able just to use your personal
 5 vehicle to go to and from sites, or did you just kind of
 6 do it?

7 A. I'm not sure if we did talk to anybody, or not.

8 Q. Did you have any sense as to how long you had
 9 been on payroll prior to the accident?

10 A. I'm not a hundred percent sure, but I would say
 11 a month to three months maybe.

12 Q. Okay. So did Demetrius Elder always operate
 13 the Silverado when you all worked?

14 A. Yes.

15 Q. So when you would drive your personal vehicle
 16 to a job site, and you finished for the day, would you
 17 report back to Cross Lanes or just go home?

18 A. I'd say 90 percent of the time we'd go back to
 19 Cross Lanes and help unload the trailer and get it off
 20 the truck.

21 Q. Okay. And so when you would unload the
 22 trailer, would you also detach the trailer from the
 23 truck?

24 A. I believe so.

15

1 Q. Did Demetrius Elder ever use it?

2 A. I'm not a hundred percent sure, but I don't
 3 think so.

4 Q. Was there more than one, what I would call, a
 5 lawn care maintenance team?

6 A. We was the only one, just us three.

7 Q. Okay. And do you know what they were using the
 8 2019 Dodge Ram for?

9 A. At first, John -- or they had bought it, and
 10 John was just -- he worked on the AC units, and I think
 11 he would drive it to different locations doing his job.
 12 And then, after a while, two other guys that did inside
 13 work, like painting and stuff like that, they would end
 14 up using it.

15 Q. Who are these two other guys?

16 A. I'm not sure what their names were.

17 Q. Okay. So the truck that you all primarily used
 18 it looks like was a 2004 blue Chevy Silverado?

19 A. Yes.

20 Q. Prior to the accident, when you would go to
 21 Cross Lanes, before going to a job site, how often would
 22 you ride in the Silverado versus your personal vehicle?

23 A. The first few weeks I believe it was almost
 24 every time. And then it got to where it was so cramped,

17

1 Q. Okay. Did Demetrius Elder have his personal
 2 vehicle that he could drive, and you left the truck at
 3 Cross Lanes, or did he drive it home?

4 A. What do you mean? I'm sorry.

5 Q. Once you got back to Cross Lanes, was the
 6 Silverado left at the job site at Cross Lanes?

7 A. Yes.

8 Q. Meaning Demetrius Elder had his own
 9 transportation?

10 A. Yes.

11 Q. Okay. Do you know why you would detach the
 12 trailer after every shift?

13 A. I'm not sure.

14 Q. Did you store the trailer in a particular
 15 location?

16 A. I don't remember exactly, but I believe it
 17 would just be sat outside of the storage building, and
 18 then we would put the equipment back inside the storage
 19 building, I believe.

20 Q. Okay. And when we talk about this trailer, is
 21 this kind of a flatbed trailer that has the ramps that
 22 will fold up at the end?

23 A. Yes.

24 Q. Okay. So each morning that you would go to

JAMES SKYLAR COOPER
September 16, 2020

18

1 Cross Lanes the first job that you would do then would
 2 be to attach the trailer to the Silverado and then load
 3 the truck and the trailer with equipment?
 4 **A. Right.**
 5 Q. Did you have, or own, any of the equipment that
 6 was used, or was it all Pison Management's?
 7 **A. It was all Pison.**
 8 Q. Okay. What types of equipment did you load
 9 into the trailer?
 10 **A. I'm not a hundred percent sure what all I**
 11 **loaded each day, but I know there's a Zero Turn, a push**
 12 **mower, I believe three weed eaters, and I believe that's**
 13 **about it.**
 14 Q. Was there anything else that you would take
 15 that was in the bed of the truck?
 16 **A. I know Demetrius would put his tools back**
 17 **there, and Rick would, as well. I'm not sure if there's**
 18 **anything else, though.**
 19 Q. What type of tools did Demetrius have? Do you
 20 know?
 21 **A. I'm not exactly sure what all he had. I know**
 22 **he had like a little handheld tool box, and he'd have**
 23 **like wrenches and screwdrivers, just basic tools.**
 24 Q. Okay. And then Rick, you said he had tools, as

19

1 well?
 2 **A. Yeah. About the same, just basic.**
 3 Q. A tool box?
 4 **A. Yeah.**
 5 Q. Okay. You did not have any tools?
 6 **A. No. Me and Rick would use the same ones,**
 7 **basically.**
 8 Q. And then if you had a maintenance order that
 9 required you to do drywall, or something else where you
 10 needed supplies, were those on-site, or how did you get
 11 those?
 12 **A. Demetrius always knew what the work orders**
 13 **would be, if we needed to bring something with us. But**
 14 **if not, I believe each location had a storage closet**
 15 **that had like basic stuff if you needed it.**
 16 Q. Okay. So let's talk about the day of the
 17 accident. I've seen some medical records that indicate
 18 that when you first went to the hospital, after the
 19 accident, you had some memory loss, or didn't recall
 20 much of the events. Has that changed since then?
 21 **A. I remember more than I did at the time, for**
 22 **sure.**
 23 Q. Okay. How clear is your recollection of the
 24 events leading up to the accident?

20

1 **A. Leading up to it, I remember most of the**
 2 **morning, just more so, when it happened, after that is a**
 3 **little spotty.**
 4 Q. Okay. So I think I recall that you said that
 5 you believe you reported to work at 7:00 that morning
 6 because you were going to a different site?
 7 **A. Right.**
 8 Q. Where were you going to? Do you know?
 9 **A. I just know it was approximately an**
 10 **hour-and-a-half away. I'm not sure of the exact**
 11 **location, because we had never been there before.**
 12 Q. And do you know why you were going there that
 13 day?
 14 **A. Yeah. We was going to cut grass. I remember**
 15 **they had said that it had been a while since it had been**
 16 **cut.**
 17 Q. Okay. The accident occurred when you were en
 18 route to the job site?
 19 **A. Correct.**
 20 Q. Do you know if this job site was property that
 21 was owned or managed by Pison Management?
 22 **A. I'm not a hundred percent sure, but if I had to**
 23 **guess, I would say "yes."**
 24 Q. And do you know the approximate location, town,

21

1 where you were going to?
 2 **A. No. I'd never heard of the place before.**
 3 Q. So I'm assuming Rick Huffman was the one to
 4 drive you two into work that morning?
 5 **A. Correct.**
 6 Q. You went down to the bottom of the hill, parked
 7 your car, and he picked you up?
 8 **A. Yes.**
 9 Q. Okay. And then you traveled to Cross Lanes and
 10 arrived in Cross Lanes at 7:00?
 11 **A. Yes.**
 12 Q. And then, once you got there, what do you
 13 recall about what you did, why you were at Cross Lanes?
 14 **A. We went up to the storage building and got the**
 15 **trailer ready, put on the equipment that we needed,**
 16 **hooked it up to the truck, and then we walked back down**
 17 **to the bottom where the cars were parked. And I**
 18 **remember we all stood there and talked for maybe ten**
 19 **minutes, and then we got in a line and followed each**
 20 **other out.**
 21 Q. Okay. So when you would go, you went to the
 22 storage building, and then you loaded the trailer. Did
 23 you load the trailer before you hooked it to the truck?
 24 **A. I'm not sure.**

JAMES SKYLAR COOPER
September 16, 2020

22

1 Q. Okay. And I think you said that there was a
 2 Zero Turn, a push mower and three weed eaters?
 3 A. Yes. And there's also a tool box that's
 4 attached to the trailer that has three leaf blowers and
 5 like weed eater string in it.
 6 Q. Do you load and unload the tool box with the
 7 leaf blowers and weed eater string in it after each
 8 shift, or does that just stay on?
 9 A. That stays.
 10 Q. That stays on the trailer?
 11 A. Yes.
 12 Q. It's locked, I'm assuming?
 13 A. Yes.
 14 Q. Okay. So aside from the Zero Turn, the push
 15 mower and three weed eaters, do you recall loading
 16 anything else on the trailer before you left that
 17 morning?
 18 A. No, I don't.
 19 Q. Okay. Gas cans?
 20 A. Gas cans, yeah.
 21 Q. Okay. Are those also kept in the storage
 22 building?
 23 A. Yes, I believe so.
 24 Q. All right. So you get there that morning, and

23

1 before you loaded the trailer and attached it to the
 2 truck, do you remember doing anything else before that
 3 when you got there?
 4 A. No, I don't.
 5 Q. Okay. Do you believe that loading the trailer
 6 was the first thing you did that morning?
 7 A. I mean, we could have maybe went inside the
 8 office, but I'm not sure.
 9 Q. Okay. And then I think you said that once you
 10 had the trailer loaded and attached to the truck, you
 11 went somewhere and talked for about ten minutes?
 12 A. Yeah. Like at the entrance of the apartment
 13 complex.
 14 Q. This location, in Cross Lanes, is it in an
 15 apartment complex?
 16 A. Yes.
 17 Q. And do you know why you waited around for ten
 18 minutes before you left that morning?
 19 A. I'm not sure, but I know the other two guys
 20 were going to the place, too. I think maybe we was
 21 waiting on them to get their truck ready, but I'm not a
 22 hundred percent on why.
 23 Q. And so when you say "the other truck," we're
 24 talking about the 2018 Dodge Ram?

24

1 A. Yes.
 2 Q. And you don't know the names of those two other
 3 individuals?
 4 A. No, I don't.
 5 Q. Did they end up following you out to the site?
 6 A. They actually led. It was them in front, then
 7 Demetrius in the blue Chevy, and then me and Rick in his
 8 vehicle.
 9 Q. So you've got the two guys in front of the
 10 Dodge Ram?
 11 A. Yes.
 12 Q. And then Demetrius Elder was behind them?
 13 A. Yes.
 14 Q. And then you all were directly behind
 15 Demetrius?
 16 A. Yes.
 17 Q. Okay. Is the 2018 Dodge Ram a quad cab?
 18 A. I believe so.
 19 MR. DUFFIELD: I think you said 2018,
 20 but...
 21 BY MR. PERRY:
 22 Q. Was it a '19? Do you think it was a 2019?
 23 A. I think it might have been a '19, but I'm not a
 24 hundred percent.

25

1 MR. DUFFIELD: That's what the dec page
 2 shows. It's Dodge versus Chevy, but I think we've got
 3 them straight.
 4 MR. PERRY: Okay. Got you.
 5 BY MR. PERRY:
 6 Q. Before you left that morning, do you remember
 7 doing anything else, other than loading the trailer and
 8 attaching it to the truck and having that conversation,
 9 at the entrance, for a few minutes while you waited for
 10 the other guys to get ready to leave?
 11 A. I don't remember anything else.
 12 Q. Do you recall what time you would have left the
 13 site in Cross Lanes?
 14 A. I'm not a hundred percent sure, but I would say
 15 maybe 7:20, 7:25-ish.
 16 Q. And then Rick Huffman was driving the vehicle
 17 that you were in?
 18 A. Yes.
 19 Q. You were in the front passenger seat?
 20 A. Yes.
 21 Q. Was there anything that you had in that car
 22 that you loaded up that day in Cross Lanes?
 23 A. I think Rick had his tools in the back seat,
 24 actually.

JAMES SKYLAR COOPER
September 16, 2020

26

1 Q. And were these his personal tools, or were they
 2 tools that Pison Management gave to him to use?
 3 A. **They would be his personal tools.**
 4 Q. As far as you know, then, no equipment, or
 5 anything that was owned by Pison Management was being
 6 transported in Mr. Huffman's vehicle?
 7 A. **Not that I recall, no.**
 8 Q. Okay. Once you left the Cross Lanes site, do
 9 you remember making any stops before the accident?
 10 A. **No. I don't believe we made any stops.**
 11 Q. Do you remember how you traveled from Cross
 12 Lanes to the location where the accident occurred?
 13 A. **Do you mean like which road?**
 14 Q. Yeah, which road.
 15 A. **I'm not too familiar with the area over there,**
 16 **so not really, no.**
 17 Q. Did you get onto the interstate, at all?
 18 A. **I'm not real sure.**
 19 Q. Okay. When you went onto payroll, did you have
 20 a time card that you kept?
 21 A. **No.**
 22 Q. Okay. Was there any way that you would log
 23 your start times and end times, or did you just get paid
 24 40 hours a week or worked a certain shift?

27

1 A. **Yeah. We was just paid 40 hours a week, but I**
 2 **believe Demetrius would send all of the hours to John, I**
 3 **think, and he would like let him know if somebody has**
 4 **missed, or something.**
 5 Q. Okay. Was the 2019 Dodge Ram, was it pulling
 6 anything?
 7 A. **No, it wasn't.**
 8 Q. Do you know what equipment they had on the
 9 truck?
 10 A. **I'm not real sure. It would be whatever the**
 11 **other two guys needed.**
 12 Q. Did you have any conversation about just riding
 13 in the 2019 Dodge Ram since it was a quad cab and would
 14 give you more room?
 15 A. **I think there might have been a conversation,**
 16 **but I remember they had a lot of -- the back seat was,**
 17 **pretty much, full of like tools and stuff they would**
 18 **need.**
 19 Q. Okay. I'm assuming, but were there times that
 20 you used your personal vehicle to travel to and from a
 21 job site?
 22 A. **Yes.**
 23 Q. Did you get reimbursed for mileage?
 24 A. **No.**

28

1 Q. To your knowledge, did Mr. Huffman get
 2 reimbursed for any mileage?
 3 A. **No, he didn't.**
 4 Q. After you loaded the trailer and attached that
 5 to the truck the morning before you left, do you
 6 remember going back to the truck, or doing anything
 7 else, with respect to the truck, before you left?
 8 A. **I'm not real sure.**
 9 Q. Nothing that you can recall as you sit here?
 10 A. **No, I don't remember.**
 11 Q. Okay. So you're traveling on roads that you're
 12 unfamiliar with. How far apart are the vehicles that
 13 are traveling together?
 14 A. **I remember we was on a two-lane road. I think**
 15 **this is where the accident occurred. I know we**
 16 **was -- like the Dodge was in front, and then close**
 17 **behind it was the blue Chevy, and then close behind it**
 18 **was us.**
 19 Q. Okay. If you recall, about how many car
 20 lengths were you traveling behind the Silverado?
 21 A. **I'm not real sure.**
 22 Q. Okay. In the event that you all got separated,
 23 do you know whether or not Mr. Huffman knew where to go?
 24 A. **He did not.**

29

1 Q. Okay. What do you remember about the accident?
 2 A. **Not much, really. I remember coming to after**
 3 **it happened, but like when it happened, I don't really**
 4 **remember, like right at the moment.**
 5 Q. Okay. Can you go back and recall seeing the
 6 vehicle that struck you? It was operated by Thelma
 7 White, so I'll say the White vehicle, or Ms. White's
 8 vehicle. Can you recall seeing Ms. White's vehicle, at
 9 all, before the accident?
 10 A. **No.**
 11 Q. Do you remember anything about the impact, or
 12 is your memory just really kind of coming to after the
 13 accident?
 14 A. **I remember right before it. I remember hearing**
 15 **Rick saying a four letter word like right before it**
 16 **happened.**
 17 Q. Okay.
 18 A. **And then I guess it happened right after that,**
 19 **and I came to while I was still in the car, afterwards.**
 20 Q. Okay. So the last thing you remember, before
 21 the accident, is Rick saying a curse word, I'm assuming?
 22 A. **Yes.**
 23 Q. Okay. Do you recall if Ms. White's vehicle
 24 struck the trailer attached to the Silverado?

JAMES SKYLAR COOPER
September 16, 2020

30	<p>1 A. I don't remember seeing it happen, but I</p> <p>2 believe, now, what I know, that it did.</p> <p>3 Q. Okay. Was this a day job, meaning, if you</p> <p>4 know, that you were going to travel to the site and do</p> <p>5 lawn work for the day and then come back to Cross Lanes</p> <p>6 that evening?</p> <p>7 A. Yes.</p> <p>8 Q. And the intent would have been that you all</p> <p>9 would have gone back to Cross Lanes and did your same</p> <p>10 thing. You would have unloaded the trailer, put the</p> <p>11 equipment back into the storage building and detached</p> <p>12 the trailer from the truck and then drive home?</p> <p>13 A. Yes.</p> <p>14 Q. And I think you mentioned this, I can't</p> <p>15 remember now if it was on the record, but since the</p> <p>16 accident, you've not had any communications with anyone</p> <p>17 at Pison Management?</p> <p>18 A. No, I haven't.</p> <p>19 Q. Have you talked to Demetrius Elder, at all?</p> <p>20 A. No.</p> <p>21 Q. Okay. As I understand your testimony, you</p> <p>22 never had a conversation with anybody at Pison</p> <p>23 Management about using your personal vehicle to travel</p> <p>24 from job sites?</p>	32
31	<p>1 A. I'm not real sure if we did, or not?</p> <p>2 Q. You can't recall any conversations as you sit</p> <p>3 here today?</p> <p>4 A. Right.</p> <p>5 Q. Do you recall any conversations about insurance</p> <p>6 coverage for your vehicle if you drove it to and from a</p> <p>7 job site?</p> <p>8 A. Like if they had brought that to us?</p> <p>9 Q. Yeah. If you would be insured under their</p> <p>10 policies?</p> <p>11 A. No. I don't think they ever mentioned it, no.</p> <p>12 Q. Okay. I'm assuming I know the answer to this,</p> <p>13 but I'm going to ask it: Do you recall having any</p> <p>14 conversations with anybody at Pison Management about</p> <p>15 insurance coverage, at all, as far as auto coverage?</p> <p>16 A. I don't believe so, no.</p> <p>17 Q. Okay. Was Mr. Huffman, to your knowledge,</p> <p>18 experiencing any mechanical problems with his vehicle?</p> <p>19 A. No.</p> <p>20 Q. What was your typical job, or if you had one,</p> <p>21 as far as the type of lawn care, did you use the Zero</p> <p>22 Turn generally? Did you generally push mow? Did you</p> <p>23 generally weed eat?</p> <p>24 A. We would all kind of just switch off. Nobody</p>	33

1 **really had an assigned job to do.**

2 Q. Do you recall specifically what you loaded into

3 the truck that morning?

4 **A. I'm not real sure exactly.**

5 Q. Okay. As far as who the people were that

6 loaded the trailer that morning, was it you and Mr.

7 Huffman and Demetrius Elder?

8 **A. Yes.**

9 Q. Anybody else help you?

10 **A. No.**

11 Q. And I apologize, but I get blamed for this a

12 lot, but without being repetitive, and I'm not trying to

13 trip you up, but I just want to make sure the record is

14 clear: As I understand it, none of the equipment that

15 was loaded onto the trailer, or into the Silverado that

16 morning was equipment that you personally owned?

17 **A. Right.**

18 MR. PERRY: Okay. Skylar, I appreciate

19 your time. I don't have any other questions.

20 MR. DUFFIELD: Skylar, I just have a few

21 questions, and I apologize if some of these seem simple.

22 I think you've answered probably most of these, but just

23 to kind of clarify.

24

1 EXAMINATION

2 BY MR. DUFFIELD:

3 Q. I know you told Mr. Perry that you couldn't say

4 how many car lengths the Dodge that you were riding in

5 was behind the Chevy truck and trailer at the time of

6 the crash?

7 **A. Right.**

8 Q. But in the seconds leading up to the crash, was

9 the Dodge you were traveling in immediately behind the

10 Chevy truck and trailer?

11 **A. Yes.**

12 Q. Okay. There was no vehicle in between?

13 **A. No.**

14 Q. You mentioned that you did not know the

15 location you were headed to. Do you know if Mr. Huffman

16 knew where he was headed to?

17 **A. No, he did not.**

18 Q. Was part of the reason you all were third in

19 line was because you were relying on Demetrius to show

20 you where to go?

21 **A. Yes.**

22 Q. Were you on the clock at the time of the

23 collision, meaning, were you getting paid for your time

24 as you were traveling to the job site?

JAMES SKYLAR COOPER
September 16, 2020

34	<p>1 A. Yes.</p> <p>2 Q. Were you on your way to a job site at the time</p> <p>3 of the collision?</p> <p>4 A. Yes.</p> <p>5 Q. Was it part of your job to travel to different</p> <p>6 job sites for Pison Management?</p> <p>7 A. Yes.</p> <p>8 Q. What was the purpose of loading the equipment</p> <p>9 on the trailer that morning?</p> <p>10 A. So we could get it to the job site and use it</p> <p>11 to cut the grass.</p> <p>12 Q. At the time of collision, had you made it to</p> <p>13 that job site yet?</p> <p>14 A. No.</p> <p>15 Q. I know you said you're not exactly sure what</p> <p>16 you loaded on the trailer that morning. Are you certain</p> <p>17 that you yourself loaded some of that equipment?</p> <p>18 A. Yes.</p> <p>19 Q. You're just not sure whether you loaded the</p> <p>20 push mower versus the weed eater, or whatnot?</p> <p>21 A. Right. Yes.</p> <p>22 Q. And were you expected to use that equipment at</p> <p>23 the job site you were traveling to?</p> <p>24 A. Yes.</p>	36	<p>1 STATE OF WEST VIRGINIA</p> <p>2 STATE AT LARGE, to-wit:</p> <p>3</p> <p>4 I, ELIZABETH WILEY, a Stenotype Reporter and</p> <p>5 Notary Public within and for the State of West Virginia</p> <p>6 at Large, do hereby certify that: The foregoing witness</p> <p>7 did appear before me at the time and place specified in</p> <p>8 the caption hereof, after being by me first duly sworn,</p> <p>9 the said witness' testimony was by me taken down by</p> <p>10 Stenographic means and transcribed into the English</p> <p>11 language as set forth herein, the same being a true and</p> <p>12 correct transcript of the said testimony; That I am</p> <p>13 neither Counsel for nor related to any of the parties</p> <p>14 hereto and have no interest in the matter whatsoever;</p> <p>15 that the attached transcript meets the requirements set</p> <p>16 forth within article twenty-seven, chapter forty-seven</p> <p>17 of the West Virginia Code.</p> <p>18 Given under my hand this 21st day of September</p> <p>19 2020.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Notary Public-State of My Commission Expires West Virginia at Large August 11, 2025.</p>
35	<p>1 Q. And so once you got to the job site, if this</p> <p>2 crash had never occurred, were you going to go and get</p> <p>3 tools off of that trailer?</p> <p>4 A. Yes.</p> <p>5 Q. Once you were complete, in terms of your work</p> <p>6 at that job site, did I understand you correctly to say</p> <p>7 to Mr. Perry that the plan was to travel back to the</p> <p>8 Cross Lanes location where the equipment was loaded onto</p> <p>9 the trailer?</p> <p>10 A. Yes.</p> <p>11 Q. And was it part of your job to make sure that</p> <p>12 that equipment made it back at the end of the day?</p> <p>13 A. Yes.</p> <p>14 Q. And so you would go back to the Cross Lanes</p> <p>15 location and off load the equipment that you described</p> <p>16 into that storage building?</p> <p>17 A. Yes.</p> <p>18 MR. DUFFIELD: That's all of the questions</p> <p>19 I have. Do you have anything else?</p> <p>20 MR. PERRY: I have nothing else.</p> <p>21 MR. DUFFIELD: I guess we'll read.</p> <p>22 (Witness excused)</p> <p>23 (Whereupon, at 10:53 p.m., EDST the</p> <p>24 foregoing deposition was concluded.)</p>	37	<p>1 ERRATA SHEET</p> <p>2 I, JAMES SKYLAR COOPER, do hereby certify that I</p> <p>3 have read the foregoing transcript of my testimony given</p> <p>4 at the time and place and for the purpose specified in</p> <p>5 the caption hereof, and that it is true and correct to</p> <p>6 the best of my knowledge and belief, except as to the</p> <p>7 corrections I have suggested below:</p> <p>8</p> <p>9</p> <p>10 _____ (Signature) (Date)</p> <p>11</p> <p>12 SUGGESTED CORRECTIONS</p> <p>13 PAGE LINE AS TRANSCRIBED SHOULD BE</p> <p>14 NO. NO.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

